

Obviously, these bills are ready to go. We should make every effort to consider those and/or other bills. I understand the District of Columbia appropriations bill is ready and perhaps Treasury-Postal Service. The Appropriations Committee is doing its work, and its work is stacking up now on our calendar.

The business before us is exactly how to proceed with the cloture motion filed on the Kennedy bill, which was offered as a second-degree amendment to the Feinstein amendment. I had suggested we would be willing to do it in the stacked sequence today, but I did not ask consent for that. We need to find some way to move forward on that cloture vote.

Rather than waiting until Wednesday, I want us to find a way to have that vote so we can move on to what is to be the outcome of that and whatever follows next.

ORDER OF BUSINESS

Mr. LOTT. Mr. President, I ask unanimous consent that the cloture vote occur on the Kennedy health care bill at 12:15 p.m. on Tuesday and the mandatory quorum under rule XXII be waived.

The PRESIDING OFFICER. Is there objection?

Mr. DASCHLE. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. LOTT. Mr. President, I ask unanimous consent that the cloture vote on the Kennedy health care bill occur at 2:15 p.m. on Tuesday and the mandatory quorum under rule XXII be waived.

The PRESIDING OFFICER. Is there objection?

Mr. DASCHLE. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. LOTT. Mr. President, there is one other option. If we do not get an agreement to handle it sometime tomorrow, we will, of course, handle it in the regular order on Wednesday, either 1 hour after we come in or sometime which the leaders will discuss. I have one more request.

Mr. President, I ask unanimous consent that there be 1 hour of debate on the pending amendment to be equally divided in the usual form and the vote occur on, or in relation to, the amendment at 11 a.m. on Tuesday.

The PRESIDING OFFICER. Is there objection?

Mr. DASCHLE. Mr. President, will the majority leader be prepared to waive points of order on that particular amendment?

Mr. LOTT. I do not believe I am able to do that, although I do not know of any reason that would be used.

But I think at this point I would not be inclined to waive a point of order.

Mr. DASCHLE. Mr. President, until we have been able to clarify that, I will have to object.

The PRESIDING OFFICER. Objection is heard.

Mr. LOTT. Mr. President, I yield the floor.

Mr. DASCHLE addressed the Chair.

The PRESIDING OFFICER. The Democratic leader.

Mr. DASCHLE. Mr. President, let me explain briefly our situation.

Early this year, the majority leader stated we would take up the Patients' Bill of Rights in June. We applauded that commitment. That is really what this fight is all about—maintaining the commitment that was made earlier.

Democrats have been saying we will do everything humanly possible to ensure that the Senate engages in a full, meaningful debate on the central issues of managed care reform:

Whether doctors or HMO bureaucrats determine what tests or treatments are medically necessary;

Whether you or your child can see a qualified specialist;

Whether patients have access to a timely, independent, external review to appeal HMO decisions to deny care;

Whether HMOs should be held accountable for medical decisions to deny or delay care that injure or even kill patients;

Whether an HMO bureaucrat, or your doctor, decides what prescription drugs you need;

Whether you or your family member can participate in a clinical trial for a potentially life-saving new treatment;

Whether all privately insured Americans deserve protection.

The list goes on and on. Those are some of the issues, some of the questions.

We have tried to reach an agreement with the majority to call up the bill separately. All we have asked is that we be guaranteed votes on those central issues. So far, the majority has refused.

What we have done in the last few days is what we vowed we would have to do: We are offering our proposal as amendments on the floor, as is our right under the Senate rules.

In my view, it is also our obligation to bring to the floor of the Senate the issues that matter most to the American people.

While some have suggested there isn't time for this debate, others have stated quite clearly their real reason for refusing: They do not want to vote on these issues.

Why don't they want to cast these votes? Because they are, frankly, on the wrong side of the issues. They do not want to have to defend their position.

They said they want to get beyond the Feinstein amendment. They can. All they have to do is vote on it. The majority wants to accuse us of holding up the Senate, but nothing is stopping any member of the majority from moving to table the Feinstein amendment. They can do that tonight. We could have our vote and move on to another amendment. That is all that is re-

quired: Table the Feinstein amendment if you do not like it.

But the majority appears not to want to table the amendment. They appear to be afraid to have that vote, afraid to let doctors make medical decisions, afraid to admit they are blocking that patient protection. I have never seen anything like the bob-and-weave tactics that have been employed to date to avoid this vote.

So what are they afraid of? What is wrong with doctors making medical decisions? I believe this is gamesmanship at its worst.

Last week we heard several Republican Senators talk about how good their Patients' Bill of Rights is. Then they voted to strip it from the floor.

Now they are offering the Democratic bill—which they tabled just last week so they could avoid an up-or-down vote on the Feinstein amendment—so they can avoid a vote on whether or not to let doctors and other health care professionals determine what is medically necessary.

Every day the majority makes these decisions, every day they avoid these tough votes, someone's child, someone's parent, someone's spouse is being denied medical care prescribed by a doctor because an insurance company accountant is saying it isn't really necessary or that it costs too much.

Let me make one thing very clear. This dispute isn't about the Senate's time. In the time the majority has spent avoiding a single vote on medical necessity, we could have considered the entire Patients' Bill of Rights amendments. They have turned down every offer we have made to address this issue in an efficient manner. This dispute isn't about time, it is about actual votes on actual rights. We insist on having them—both the votes and the rights. Apparently our colleagues on the other side of the aisle want neither.

Up-or-down votes—isn't that what the Senate is here to do, to vote on the issues that matter the most? If and when the majority is willing to vote on these issues, the Senate can move on. But it is our belief that the Senate should not move on until it has dealt properly with one of the most important issues facing virtually every American—their health care.

I yield the floor.

Mr. ASHCROFT addressed the Chair.

The PRESIDING OFFICER. The Senator from Missouri.

MORNING BUSINESS

Mr. ASHCROFT. Mr. President, I ask unanimous consent that the Senate now proceed to a period of morning business with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.